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EXAMINER

PATEL, GAUTAM

ART UNIT	PAPER NUMBER
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2655

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DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

Office Action Summary

Application No.

09/815,338

Applicant(s)

ABE ET AL.

Examiner

Gautam R. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. This is in response to amendment filed on 11-6-03 (Paper # 6).
2. Claims 1-6 remain for examination. Claim 6 is newly presented for examination.
3. Applicant's arguments regarding objection drawings have been fully considered and objection of drawings has been **withdrawn** to advance the prosecution. However the Applicants are strongly cautioned against using device names that are not defined in specification at all. Judging device is a device not method steps. Also method steps [S1 and S2] do not define any judging at all.

Claim Rejections - 35 U.S.C. § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Nagashima et al., US. patent 5,963,521 (hereafter Nagashima).

As to claim 1, Nagashima, discloses the invention as claimed [see Figs. 1-7, especially 1] including a reading device, a memory controller and a judging device, comprising:

a reading device [fig. 1, unit 3 or 33] for reading compressed information recorded on said recording medium [fig. 1, unit 2 or 32] [col. 3, lines 34-56 and col. 4, lines 3-20];

a memory controller [fig. 1, unit 7 and 13] for writing the compressed information read by said reading device into a memory, reading the compressed information written

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in said memory in the order of writing and supplying the read information to said expander [fig. 1, unit 23 & 43; col. 12, lines 46-50] [col. 3, lines 34-56 and col. 4, lines 23-45]; and

a judging device [fig. 1, unit 7 and unit 15] for determining which of the plurality of compression methods [B mode or C mode] is used in compressing the information read by said reading device, wherein said memory controller controls the timing of starting to read the compressed information from said memory in accordance with a result of the determination by the judging device [col. 5, lines 3-23 and col. 8, lines 39-57].

5. As to claim 2, Nagashima discloses:

said memory controller starts reading of the compressed information from said memory at a faster timing when said reading device has started to read the compressed information from said recording medium, when said judging device determines that the information is compressed at a compression rate higher [75 sectors/second v/s 18.75 sectors/second] than another compression rate [18.75 sectors/second] [col. 6, lines 13-47].

6. As to claim 3, Nagashima discloses:

timing of starting to read is set so that a time required to output the reproduced information for the compressed information stored in said memory from the start of reading the compressed information from said recording medium by the reading device till the start of reading the compressed information from said memory is substantially the same for the information compressed by any of the plurality of compression methods [col. 5, lines 24-37].

7. As to claim 4, Nagashima discloses:

a reading device [fig. 1, unit 3 or 33] for reading compressed information recorded on said recording medium [fig. 1, unit 2 or 32] [col. 3, lines 34-56 and col. 4, lines 3-20];

a memory controller [fig. 1, unit 7 and 13] for writing the compressed information read by said reading device in a memory, reading the compressed information written in said memory in the order of writing and supplying the compressed information to said expander [fig. 1, unit 43] [col. 3, lines 34-56 and col. 4, lines 23-45];

a judging device [fig. 1, unit 7 and unit 15] for determining which of the plurality of compression methods is used in compressing the information read by said reading device [col. 5, lines 3-23 and col. 8, lines 39-57]; and

a reading controller [fig. 1, unit 7] for controlling a reading time of said reading device in accordance with a result of the determination of the judging device [col. 5, lines 24-62 and col. 6, lines 13-47].

8. As to claim 5, Nagashima discloses:

said reading controller controls the reading time of said reading device to be decreased when said judging device determines that the information is compressed at a compression rate higher than another compression rate [col. 6, lines 13-47].

9. As to new claim 6, Nagashima discloses:

said expander [fig. 1, unit 23 and 43] expands the compressed information supplied from said memory controller, by using an expansion method corresponding to a compression method determined by the judging device [col. 3, lines 34-56; col. 8, lines 39-57 and col. 12, lines 46-50].

Nagashima was cited as prior art reference in paper no. 5, mailed 8-6-03.

10. Applicant's arguments filed on 11-6-03 (Paper # 6) have been fully considered but they are not deemed to be persuasive for the following reasons.

11. In the REMARKS, the Applicant argues as follows:

A) That: "the system controller controls the writing speed and the reading speed for each of the memories 22 and 42. Applicants respectfully submit that the writing speed is controlled in accordance with the transmission rate of data to be written, and

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the reading speed is controlled in accordance with the transmission rate of predetermined mode such as the level B stereo mode. See, for example, column 7, lines 36 to 53.

Therefore, Applicants respectfully submit that Nagashima does not teach at least that "said memory controller controls the timing of starting to read the compressed information from said memory in accordance with a result of the determination by the judging device" as recited in claim 1 ..". [page 9, para. 3-4; REMARKS].

FIRST: Careful examination of the previous action shows that the Examiner has not pointed to column 7, lines 36 to 53 at all for this limitation.

SECOND: for the limitation quoted above the lines that were cited were col. 5, lines 3-23 and col. 8, lines 39-57. The lines which were quoted reads as follows "The system controller 7 also operates, on the basis of the sector-by-sector address information reproduced from the recording tracks of the magneto-optical disc 2 by subcode Q data or **header time** [header time another name for start time], for controlling the recording position or playback position" [col. 5, lines 7-13].

B) That: "Applicants respectfully submit that this disclosure in Nagashima does not teach or suggest control of a time period of reading the compressed data [emphasis added] on the optical disc 2 by the optical head 3". [page 9, para. 5; REMARKS].

FIRST: The aspect of "control of a time period of reading the compressed data"; [i.e., how the total time to read compressed data can be expanded or contracted] has not been claimed. This limitation is NOT same as "said memory controller controls the timing of starting to read the compressed information". Starting to read and total time taken for reading are two totally different aspects of limitations. As to the first limitation Nagashima clearly discloses it.

SECOND: Even if this aspect was to be claimed, the Examiner does not think that specification discloses this limitation at all.

C) That: "Accordingly, ...claim 4 of the present application." [page 10, para. 1; REMARKS].

Please see explanation in para. 11, section A) and B), supra.

12. **THIS ACTION IS MADE FINAL.** See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO **EXPIRE THREE MONTHS** FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Contact information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam R. Patel whose telephone number is (703) 308-7940. The examiner can normally be reached on Monday through Thursday from 7:30 to 6.

The appropriate fax number for the organization (Group 2650) where this application or proceeding is assigned is (703) 872-9314.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To can be reached on (703) 305-4827.

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Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-4700 or the group Customer Service section whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read "Gautam R. Patel", with a horizontal line extending from the end of the signature.

Gautam R. Patel
Patent Examiner
Group Art Unit 2655

December 12, 2003